

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUAN MEJIA, JR.,

Plaintiff,

VS.

OFFICER MORGAN,

Defendant.

4:05cv3221

MEMORANDUM AND ORDER

This matter is before the court on Filing No. 13, the Notice of Case Dismissal filed by the plaintiff, Juan Mejia, Jr., and Filing No. 14, the plaintiff's Motion to Withdraw Notice of Case Dismissal. On November 11, 2005, the court entered judgment dismissing the above-entitled case without prejudice because the plaintiff had failed to respond to an Order to Show Cause directing him to explain why the case should not be dismissed for failure to prosecute. Ten days after entry of judgment, the plaintiff belatedly responded to the Order to Show Cause. Then two months later, he filed his Notice of Case Dismissal. Then, he filed his Motion to withdraw all previously filed motions and letters to dismiss the case (Filing No. 14).

However, in the court's Order to Show Cause, the plaintiff received notice of a deadline by which to inform the court of any reason he might have why the case should not be dismissed for failure to prosecute, and the plaintiff was warned that, in the absence of a timely and sufficient response to the Order to Show Cause, this case would be subject, without further notice, to dismissal without prejudice. In the interests of finality and judicial efficiency, the original judgment will remain in place. If the plaintiff wishes to file a new lawsuit, he may do so, as the above-entitled case was dismissed without prejudice. Filing No. 13, the Notice of Case Dismissal, is noted, and Filing No. 14, the Motion to Withdraw Notice of Case Dismissal, is denied.

SO ORDERED.

Dated this 17th day of April, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge